

No Color
Documents
In File

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Betty Largilliere Burke, 2501 Hillway Dr., Boise, ID 83702 354-5419;
Linda Largilliere Johnson, 2135 W. Campbell #34, Phoenix, AZ. 274-7592;
Zions 1st Nat'l Bank, Trustee of Estate of Evelyn Largilliere Shields,
One So. Main, Salt Lake City, Uth. 84125 524-4806; Utah Process Agency Inc., % Gayle Dean
Hunt, 2121 So. State, Salt Lake City, Ut. 84115 486-8701, Telephone No. _____
contract purchaser from Evelyn Largilliere Shields
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) Jan. 1, 1957

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Winchell Creek tributary to Bear River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>15 AF</u>	Use	<u>Storage for irrigation</u>	Period of Use From <u>Jan. 1</u>	To <u>Dec. 31</u>
Quantity	<u>15 AF</u>	Use	<u>Irrigation from storage</u>	Period of Use From <u>April 1</u>	To <u>Oct. 31</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
(4)	<u>15 AF</u>	TOTAL QUANTITY USED.			

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW ¼ NW ¼, Sec. 36 Twp. 9 S Rge. 41 E B.M., County of Caribou
Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Earth and rock fill dam 600 feet long and 15 feet high. Water is diverted through outlet in dam.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9	S	41E	26												5			10	15
			25						10		10	35	35	25					115

No. of acres 130

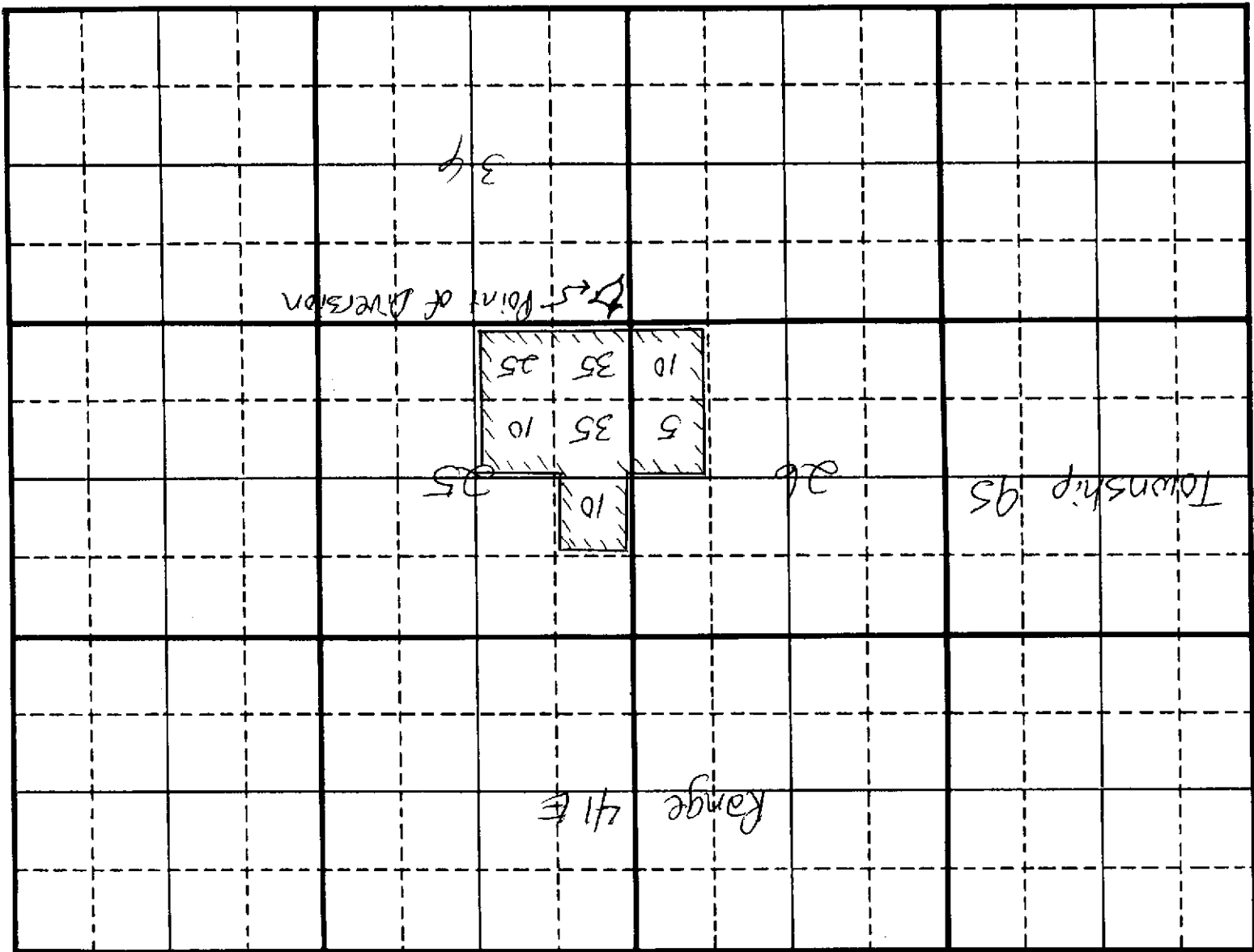
B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

NOTE: Include here the type and number of stock watered: _____

(7) If you are claiming water as a member of an organization, list name of organization: _____

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(8) Remarks Land is irrigated based on a previous claim for natural flow from Winchell Creek.



State of ~~Utah~~ Utah
County of Salt Lake
Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Gayle Dean Hunter for Utah Process Agency, Inc. as contract purchaser from Evelyn Largilliere Shields thru Trustee, Zions 1st Nat'l Bank & for Betty Lina Largilliere Johnson and for said trustee
Sworn to before me this 8th day of February
Notary Public
Residing at Salt Lake County, Utah

My commission expires 12-14-80

FOR DEPARTMENT USE ONLY

Received by dh
Date 2-12-79
Prelim. check by ARK & EMC
Date 2-12-79
Exception filed by:
Forwarded to
Date
Published in Caribou County Sun
Dates February 22, March 1, 1979

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

11-4072

BETTY LARGILLIERE
BURKE, ET. AL.
C-O GAYLE DEAN HUNT,
ATTY., 2121 SOUTH STATE,
SALT LAKE CITY, UT 84115
Source: LARGILLIERE
CREEK tributary to BEAR
RIVER

Priority Date: 01-01-1957

Amount: 15.0 AC-FT

Diversion Point: SWSE Sec 26
T 09S R 41E, CARIBOU Co.

Use: IRRIGATION STORAGE (15.0 AC-FT) from 01-01 to 12-31 IRRIGATION FROM STORAGE (15.0 AC-FT) from 04-01 to 10-31

Place of Use: SWNW NWSW Sec 25 T 09S R 41E SWNE SENE NESE NWSE SWSE SESE Sec 26 T 09S R 41E FOR 90 ACRES

Diversion Means: EARTH & ROCK FILL DAM 13' HIGH, 600' LONG

11-4073

BURKE, BETTY LARGILLIERE
JOHNSON, LINDA LARGILLIERE
ZIONS 1ST NAT'L BANK,
TRUSTEE OF ESTATE, EVELYN L. SHIELDS
UTAH PROCESS AGENCY, INC.
c-o GAYLE DEAN HUNT,
2121 SOUTH STATE, SALT LAKE CITY, UT 84115

Source: WINCHELL CREEK tributary to BEAR RIVER
Priority Date: 01-01-1957
Amount: 15.0 AC-FT

Diversion Point: NWNW Sec 36 T 09S R 41E, CARIBOU Co.

Use: IRRIGATION STORAGE (15.0 AC-FT) from 01-01 to 12-31 IRRIGATION FROM STORAGE (15.0 AC-FT) from 04-01 to 10-31

Place of Use: NESE SESE Sec 26 T 09S R 41E SWNW NESW NWSW SWSW SESW Sec 25 T 09S R 41E FOR 130 ACRES

Diversion Means: EARTH & ROCK-FILL DAM 600' LONG, 15' HIGH

11-4074

BURKE, BETTY LARGILLIERE
JOHNSON, LINDA LARGILLIERE
ZIONS 1ST NAT'L BANK,
TRUSTEE OF ESTATE, EVELYN L. SHIELDS
UTAH PROCESS AGENCY
c-o GAYLE DEAN HUNT,
2121 SOUTH STATE, SALT LAKE CITY, UT 84115
Source: LARGILLIERE CREEK tributary to BEAR RIVER

Priority Date: 06-01-1

Amount: 1.09 CFS

Diversion Point: SWSE Sec 26 T 09S R 41E, CARIBOU Co.

Use: DOMESTIC (0.04 CFS) from 01-01 to 12-31 STOCK-WATER (0.05 CFS) from 01-01 to 12-31 IRRIGATION (1.00 CFS) from 04-01 to 10-31

Place of Use: SWNW NWSW Sec 25 T 09S R 41E SWNE SENE NESE NWSE SWSE SESE Sec 26 T 09S R 41E FOR 90 ACRES

Diversion Means: DAM

11-4075

BURKE, BETTY LARGILLIERE
JOHNSON, LINDA LARGILLIERE
ZIONS 1ST NAT'L BANK,
TRUSTEE OF ESTATE, EVELYN L. SHIELDS
UTAH PROCESS AGENCY, INC.
c-o GAYLE DEAN HUNT, 2121 SOUTH STATE, SALT LAKE CITY, UT 84115

Source: WINCHELL CREEK tributary to BEAR RIVER

Priority Date: 06-01-1899

Amount: 1.33 CFS

Diversion Point: NWNW Sec 36 T 09S R 41E, CARIBOU Co.

Use: DOMESTIC (0.08 CFS) from 01-01 to 12-31 STOCK-WATER (0.05 CFS) from 01-01 to 12-31 IRRIGATION (1.20 CFS) from 04-01 to 10-31

Place of use: NESE SESE Sec 26 T 09S R 41E SWNW NESW NWSW SWSW SESW Sec 25 T 09S R 41E FOR 130 ACRES

Diversion Means: DAM

27-4016

CHESTERFIELD LAND & LIVESTOCK COMPANY

c-o DELMO SMITH, PRESIDENT, BANCROFT, ID 83217

Source: GRAVES CREEK tributary to BLACKFOOT RIVER

Priority Date: 06-17-1879

Amount: 6.00 CFS

Diversion Point: NWNW SWNW NWSW SWSW Sec 04 T 05S R 39E NENE SWNE SENE NESW Sec 08 T 05S R 39E NWSW NWSE SWSE Sec 08 T 05S R 39E NENW Sec 09 T 05S R 39E NWNW SWNW NESW SESW Sec 09 T 05S R 39E SWSE Sec 09 T 05S R 39E SWNE NENW SENW Sec 35 T 05S R 39E NESW NWSE Sec 35 T 05S R 39E, CARIBOU Co.

Use: STOCKWATER (0.06 CFS) from 05-01 to 11-01 IRRIGATION (5.94 CFS) from 05-01 to 11-01

Place of Use: NWNW SWNW NWSW SWSW Sec 04 T 05S R 39E NENE SWNE Sec 08 T 05S R 39E NENW NWNW SWNW SENW NESW SESW Sec 09 T 05S R 39E FOR 300 ACRES

Diversion Means: NUMEROUS PORTABLE DIVERSION DAMS & DITCHES

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401.

C. STEPHEN ALLRED

Director

Published Feb. 22 and March 1, 1979 in the Caribou County Sun.

Affidavit of Publication

County of Caribou } ss.
State of Idaho }

Mark Steele

being first duly sworn on his oath, states:

That he is Publisher of the Caribou County Sun, a newspaper of general circulation in Caribou County, Idaho, published weekly at Soda Springs in said County that said newspaper has been published in said County uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement;

That the annexed notice was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof

for 2 successive weekly issues thereof, the date of the first publication being the

22nd day of Feb., 1979

The date of the last publication

being the 1st day of

March, 1979

Mark Steele

Subscribed and sworn to before me this 2nd day

of March, 1979

Mark Steele

Notary Public, residing at Soda Springs, Idaho

(SEAL)

My Commission expires the

1st day of March

1980

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State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

August 11, 1983

RE: Claims to Water Rights Nos. 11-4072, 11-4073, 11-4074 and 11-4075

Gayle Dean Hunt
Attorney at Law
2121 South State
Salt Lake City, UT 84115

Dear Mr. Hunt:

Our office acknowledges receipt of Assignment of the above referenced water rights. However, in reviewing the files I find that the water rights are Claims.

In Idaho, a claimed water right is considered real property and is acquired when the property to which it is appurtenant is purchased. Proof of owning the land is proof of owning the water right claim.

Therefore, I have put the Assignment into the files for future reference only and no other action will be taken. I have also enclosed copies of the Claims for your records.

If you have any questions please feel free to contact our office.

Sincerely,

ROBYN CARLSON
Chief Clerk

RC:kw
Enclosures

GAYLE DEAN HUNT
ATTORNEY AT LAW
2121 SOUTH STATE
SALT LAKE CITY, UT 84115
TELEPHONE 488-8701

August 3, 1983

AUG 4 1983

Department of Water Resources
Eastern District Office

RECEIVED

AUG 8 1983

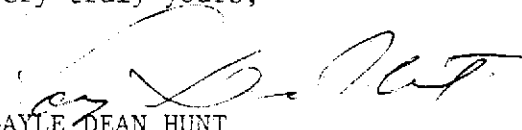
Department of Water Resources

Caribou County Recorder
Soda Springs, Idaho 83276

Dear Sir:

Enclosed herewith for recording is the original of Assignment, Zions First National Bank to Utah Process Agency, Inc., covering water rights appertinent to the property described in the Assignment, together with our check for \$4.

Very truly yours,


GAYLE DEAN HUNT
Attorney at Law

Enc.

✓cc: Idaho Department of Water Resources
Eastern District Office
150 Shoup Avenue
Idaho Falls, Idaho 83401

ASSIGNMENT

Zions First National Bank, a national banking association, as Trustee of the Trust created by Evelyne Largilliere Shields, dated July 1, 1970, hereby transfers and assigns to Utah Process Agency, Inc., a Utah corporation, all of the rights, title and interest possessed by said Trust in water rights or rights in water (ground, irrigation, or otherwise) appurtenant to, or used in connection with, the following described real property in Caribou County, Idaho:

Com

NE 1/4 NW 1/4, S 1/2 S 1/2 Sec. 23; W. 1/2 NW 1/4 S 1/2 SW 1/4, Sec. 24; N 1/2 NW 1/4, SE 1/4 NW 1/4, NE 1/4 SW 1/4, E 1/2 Sec. 26; W 1/2, Sec. 25; all that portion of S 1/2 NE 1/4 and SE 1/4 Sec. 25 lying West & South of Bear River, All in Township 9 South, Range 41 East, Boise Meridian. Also, all that part of Lot 3, Sec. 30, Township 9 South, Range 42 East, Boise Meridian lying southeasterly of Bear River;

including but not restricted to the extent of said Trust's interest in State of Idaho Department of Water Resources claims as follows:

#11-4075 Claim to 1.33 c.f.s. in Winchell Creek, tributary to Bear River;

#11-4073 to 15 AF storage of water from Winchell Creek, tributary to Bear River;

#11-4074 Claim to 1.09 c.f.s. in Largilliere Creek, tributary to Bear River;

#11-4072 to 15 AF storage of waters from Largilliere Creek, tributary to Bear River;

Zions First National Bank warrants that it was appointed by Evelyne Largilliere Shields as Trustee of the aforesaid Trust

and has authority to execute this assignment on behalf of said Trust. Except as set forth in the immediately preceding sentence, Zions First National Bank as Trustee or otherwise makes this assignment, sale, conveyance, and transfer without warranties, covenants, or representations of any kind.

DATED: June 29, 1983.

ZIONS FIRST NATIONAL BANK, a
National Bank Association,
As Trustee

By J. Chad Hamilton
Its Vice President & Trust Officer J.C.
By Richard R. Gardner
Its Vice President & Trust Officer

GCN0546P

STATE OF UTAH)
: ss.
COUNTY OF SALT LAKE)

On the 29th day of June A.D., 1983, personally appeared before me J. Chad Hamilton of Zions First National Bank, a national banking association, and that said instrument was signed on behalf of said association, as Trustee of the Trust above referred to by authority of a resolution of its board of directors or By-Laws and said J. Chad Hamilton acknowledged to me that said association executed the same, as Trustee of said Trust.

John F. Libero
NOTARY PUBLIC

My Commission Expires:

2-2-85

Residing At:

Salt Lake City, Utah

STATE OF UTAH)
 : SS.
COUNTY OF SALT LAKE)

On the 29th day of June A.D., 1983, personally appeared before me B. A. Gardner of Zions First National Bank, a national banking association, and that said instrument was signed on behalf of said association, as Trustee of the Trust above referred to by authority of a resolution of its board of directors or By-Laws and said B. A. Gardner acknowledged to me that said association executed the same, as Trustee of said Trust.

[Signature]
NOTARY PUBLIC

My Commission Expires:

2-2-85

Residing At:

Salt Lake City, Utah

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, ID 83401
(208) 523-7186

MARCH 12, 1979

BETTY LARGILLIERE BURKE
LINDA LARGILLIERE JOHNSON
EVELYN L. SHIELDS ZIONS 1ST NAT'L BANK, TRUSTEE OF ESTATE
UTAH PROCESS AGENCY, INC.
% GAYLE DEAN HUNT
2121 SOUTH STATE
SALT LAKE CITY UT 84115

RE: Claim No. 11-4073

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

mailed to claimant

% lawyer

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February 19, 1979

Russell D. Stoker, Watermaster
Water District # 11
272 East 3rd North
Soda Springs, Idaho 83276

Dear Mr. Stoker:

Re: Claims to Water Rights No's. 11-4072, 11-4073,
11-4074, 11-4075

We are enclosing copies of claims that may be of interest to your water district. Please review the claims and submit any comments you may have to this Department.

If we may be of further assistance, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

Enclosures

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, ID 83401
(208) 523-7186

FEBRUARY 16, 1979

Caribou County Sun
P. O. Box 815
Soda Springs, Idaho 83276

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before MARCH 12, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor

Encl.

MICROFILMED

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

11-4023-

BURKE, BETTY LARGILLIERE
JOHNSON, LINDA LARGILLIERE
ZIONS 1ST NAT'L BANK, TRUSTEE OF ESTATE, EVELYN L. SHIELDS
UTAH PROCESS AGENCY, INC.

% GAYLE DEAN HUNT, 2121 SOUTH STATE, SALT LAKE CITY, UT 84115

Source: WINCHELL CREEK tributary to BEAR RIVER

Priority Date: 01/01/1957

Amount: 15.0 AC-FT

Diversion Point: NWNW Sec 36 T 09S R 41E, CARIBOU Co.

Use: IRRIGATION STORAGE (15.0 AC-FT) from 01/01 to 12/31
IRRIGATION FROM STORAGE (15.0 AC-FT) from 04/01 to 10/31

Place of Use: NESE SESE Sec 26 T 09S R 41E SWNW NESW NWSW SWSW SESW
Sec 25 T 09S R 41E FOR 130 ACRES

Diversion Means: EARTH & ROCK-FILL DAM 600' LONG, 15' HIGH

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401.

C. STEPHEN ALLRED

Director

Published 3/22 & 3/1/79.

MICROFILMED

February 12, 1979

Mr. Gayle Dean Hunt
Attorney at Law
2121 South State
Salt Lake City, Utah 84115

Dear Sir:

Re: 4 Claims to Water Rights - Betty Largilliere Burke, et. al.

Attached herewith is Departmental receipt No. 12878 for the above referenced claims.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

Attachment

RECEIVED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

(Storage Wrecked Creek)

INITIAL REVIEW BY: ARK 2/12/79

Right Number _____

Applicant Betty Largilliere Burke et al

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion. map pt. described
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By _____ Date _____

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By S.S Date 3/16/79

Penned

RECEIVED